

1 KAMALA D. HARRIS
Attorney General of California
2 RICHARD F. WOLFE
Supervising Deputy Attorney General
3 DOUGLAS E. BAXTER
Deputy Attorney General
4 State Bar No. 201351
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2034
7 Fax: (619) 645-2012
E-mail: Douglas.Baxter@doj.ca.gov
8 *Attorneys for Defendants State of California*
(by and through the California Highway
9 *Patrol and Sergio Flores*

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

13 JACOB GREGOIRE,

14 Plaintiff,

15 v.

16 CALIFORNIA HIGHWAY PATROL,
17 an agency of the State of California;
18 SERGIO FLORES, and DOES 1 to 20,

19 Defendants.

Case No.: 14-cv-01749-GPC (DHB)

**DEFENDANTS' NOTICE OF EX
PARTE APPLICATION FOR
EXTENSION OF TIME TO FILE
OPPOSITION TO REQUEST TO
DECLARE APPEAL FRIVOLOUS**

Date: Ex Parte
Time: Ex Parte
Courtroom: 2D
Judge: The Honorable Gonzalo P.
Curiel

20 **TO PLAINTIFF, JACOB GREGOIRE (BY AND THROUGH HIS**
21 **ATTORNEYS OF RECORD), AND THE ABOVE-ENTITLED COURT:**

22 **PLEASE TAKE NOTICE** that Defendants State of California (by and
23 through the California Highway Patrol) and Sergio Flores respectfully submit this
24 Ex Parte Application for an Order extending the deadline for Defendants to file an
25 Opposition to Plaintiff's March 11, 2016, Brief re: Whether the Appeal by the State
26 of California is Frivolous (Doc. 56). Currently, the deadline for filing an
27 Opposition is March 18, 2016. See Order Vacating Pretrial Conference Date and
28

1 Setting Briefing Schedule (Doc. 55). On the grounds stated in the Declaration of
 2 Douglas E. Baxter in Support of Defendants' Ex Parte Application for Extension of
 3 time to File Opposition to Request to Declare Appeal Frivolous (served and filed
 4 herewith), Defendants are requesting an extension to Thursday, March 24, 2016.

5 This request is based on this Notice of Ex Parte Application, the supporting
 6 Memorandum of Points and Authorities, the supporting Declaration of Douglas E.
 7 Baxter, and the proposed Order (all served and filed herewith).

8 **MEET AND CONFER**

9 As noted on page 6, paragraph 19, of the Declaration of Douglas E. Baxter,
 10 defense counsel emailed a draft of the ex parte papers to Plaintiff's attorneys Steve
 11 Hoffman and Thomas D. Luneau on Monday, March 14, 2016. The morning of
 12 March 15, 2016, defense counsel spoke on the telephone with Mr. Hoffman about
 13 the ex parte request. Mr. Hoffman informed defense counsel that he does not
 14 oppose the request for an extension to Thursday, March 24, 2016, to file
 15 Defendants' opposition brief. The afternoon of March 15, 2016, defense counsel
 16 spoke with Mr. Luneau, who also confirmed that he does not oppose this ex parte
 17 request. Mr. Hoffman and Mr. Luneau emailed defense counsel to confirm that
 18 they do not oppose the request.

19 Dated: March 15, 2016

Respectfully submitted,

20 KAMALA D. HARRIS
 21 Attorney General of California
 22 RICHARD F. WOLFE
 Supervising Deputy Attorney General

23 S/DOUGLAS E. BAXTER
 24 DOUGLAS E. BAXTER
 25 Deputy Attorney General
 26 *Attorneys for Defendants State of*
California (by and through the
 27 *California Highway Patrol) and*
 28 *Sergio Flores*

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